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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,265	07/06/2001	Kazuhiro Yabuta	JP920000193US1	7588
36736	7590	10/31/2006	EXAMINER FADOK, MARK A	
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 10/31/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/900,265
Filing Date: July 06, 2001
Appellant(s): YABUTA ET AL.

Mr. Francis Lammes
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/19/2006 appealing from the Office action mailed 5/9/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 6/22/2006 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,421,781

Fox et al

7-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fox (US 6,421,781).

In regards to claim 6, Fox discloses a commodity purchasing method through a network, comprising the steps of:

- receiving a connection request from a device (FIG 2);
- determining whether the connection request includes an identifier (FIG 3), wherein the identifier corresponds to an identification code of a cellular phone (FIG 3) and wherein the identifier identifies that the connection request is from a cellular phone (FIG 3, item 302);
- in response to the connection request including the identifier, performing the following steps:
 - storing the identifier and user status information associated with the identifier in a database contained in a system for receiving the connection request (FIG 3);
 - executing session control using the identifier and the user status information (col 2, lines 23-65); and
 - in response to the connection request not including the identifier, executing session control for the device using history information that is communicated between the system and the device (col 4, lines 24-32).

In regards to claim 7, Fox teaches executing the connection request using the appropriate session control (col 4); receiving a result from the

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execution of the connection request; and returning the result to the device (FIG 2).

In regards to claim 8, Fox teaches wherein the network comprises a first network for communicating with the device and a second network for communicating with the cellular phone (FIG 2, Landnet, Airnet) and the method further comprises a step of sending the connection request to the cellular phone through the second network (FIG 2).

In regards to claim 9, Fox teaches the step of adding the identification code corresponding to the identifier to said connection request sent to the cellular phone (FIG 3).

In regards to claim 16, Fox discloses commodity purchasing method through a network, comprising the steps of receiving a connection request from a device;

determining whether the connection request includes an identifier, wherein the identifier corresponds to an identification code of a cellular phone and wherein the identifier identifies that the connection request is from a cellular phone; and

in response to the connection request not including the identifier, executing session control using history information that is communicated between a system and the device (see response to claims 6-9 above).

In regards to claim 17, Fox teaches executing the connection request using the session control; receiving a result from the execution of the connection request; and returning the result to the device (see response to claim 14).

(10) Response to Argument

Appellant argues that Fox does not teach "in response to the connection request not using the identifier, executing session control for the device using history information that is communicated between the system and the device". As noted by the examiner in the previous office action server 112 (FIG 1) has means for being accessed by both a wireless device and a desktop PC. It is clear in Fox (col 6, lines 25-35) that the web server maintains a list of subscriber Ids for providing access to the mobile devices and that the PC uses HTTP from a HTML web browser to access the server, the later not

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requiring a subscriber id such as when a mobile device is used. The examiner further directs the appellant's attention to there own disclosure for an example of this conventional accessing by an HTTP enabled browser (see FIG 1, page 2, lines 1-7, page 5, lines 12-20, page 14, lines 1-5 and page 18, line 19 – page 19, line 4).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner

Conferees:

A handwritten signature in black ink, appearing to read 'Jeffery Smith', with a large, stylized initial 'J'.

Jeffery Smith

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A handwritten signature in black ink, appearing to read 'Vincent Millin', with a large, stylized initial 'V'.

Vincent Millin

Appeals Specialist